REMARKS

These remarks and the accompanying amendments are responsive to the non-final Office Action dated October 20, 2008 (hereinafter referred to as the "Office Action"). At the time of the last examination, Claim(s) 21-33 were pending, of which Claim(s) 21, 22, 24, 26, 27, 28, 29, 31 and 32 are independent. The Office Action rejected Claim(s) 21, 23-29 and 31, allowed Claim(s) 22, 32 and 33, and objected to Claim(s) 30.

Section 3 of the Office Action rejects Claims 21 and 23 under 35 U.S.C. 103(a) as being unpatentable over United States patent number 6,128,288 issued to Miya (the patent hereinafter referred to as "Miya") in view of United States patent number 6,3373,434 issued to Hayakawa (the patent hereinafter referred to as "Hayakawa"). Section 4 of the Office Action rejects Claims 24, 25 and 29 under 35 U.S.C. 103(a) as being unpatentable over Hayakawa in view of United States patent number 6,738,411 issued to Ogawa (the patent hereinafter referred to as Ogawa). Section 5 of the Office Action rejects Claims 26-28 under 35 U.S.C. 103(a) as being unpatentable over Miya in view of United States patent number 5,983,113 issued to Asanumi (the patent hereinafter referred to as "Asanumi").

Re: Claims 21 and 23

The examiner argues that Miya (U.S. Patent 6128288) discloses an information management method for cell search in a mobile communications system. On the contrary, Miya discloses a base station capable of autonomously determining the spreading code to be used for identification of the base station when the base station is first installed. Miya does not disclose or suggest any cell search schemes that should be conducted at mobile stations.

The examiner argues that Miya discloses (in Figs. 4 and 13, col. 4, lines 46-65; and col. 9, lines 59-67) capturing, in a handover-source base station, phase difference information

between a long period spreading code of a common control channel from said handover-source base station and that of a common control channel from a handover-destination base station. On the contrary, the cited passages simply mention the phase of a spreading code. Miya does not disclose or suggest any handover or handoff schemes, and consequently, Miya does not disclose or suggest that a handover-source base station captures phase difference information.

Hayakawa discloses a distance detecting method suitable for detecting a relative distance between mobile stations or between a mobile station and a base station. In this method, a phase difference between the transmitting signal *(sic)* and the receiving signal *(sic)* is detected so as to obtain a distance between the stations. However, the method disclosed in Hayakawa is not related to cell search or handover, and is significantly different from the claimed subject matter. It is impossible to combine the technique disclosed in Miya and the technique disclosed in Hayakawa. Even if they were combined, those skilled in the art could not reach the subject matter in claims 21 or 23.

Re: Claims 24, 25, and 29

The examiner argues that Hayakawa discloses a cell search method of a mobile station. On the contrary, Hayakawa does not disclose or suggest any cell search schemes. The examiner also argues that Hayakawa discloses that a mobile station receives phase difference information from a base station (Figs. 1 and 2, col. 5, lines 63-67, and col. 7, lines 14-17). However, this is also incorrect. The cited passages are related to only a base station.

Although Ogawa discloses a cell search scheme, Ogawa does not disclose or suggest cell search in accordance with the phase difference information captured or stored.

The claimed subject matter is remarkably different from both of Hayakawa and Ogawa. Even if the techniques in Hayakawa and Ogawa were combined, those skilled in the art could not reach the subject matter in claims 24, 25, or 29.

Re: Claims 26 through 28

Regarding claim 26, the examiner argues that Miya discloses (in Fig. 1, col. 3, lines 58-64, and col. 4, lines 60-67) a base station comprising storing means for storing phase difference information between a long period spreading code of a common control channel of said base station and that of a common control channel of a neighboring base station, the phase difference information being captured from a mobile station.

However, Miya mentions, at col. 3, lines 58-64; a first embodiment having a correlation value storage circuit 6 for storing a magnitude of each correlation value which indicates correlation between a spreading code and received signals. The correlation values stored in the correlation value storage circuit 6 are completely different from phase difference information between long codes. Furthermore, the correlation values in the correlation value storage circuit 6 are calculated by a correlation circuit 3 in the base station, and are not captured from a mobile station.

Miya mentions; at col. 4, lines 60-67; a second embodiment having a correlation circuit 33 for calculating a correlation value between the signal received from a mobile station and a selected spreading code. The correlation value calculated by the correlation circuit 33 is completely different from phase difference information between long codes. Furthermore, the correlation value is calculated by the correlation circuit 33 in the base station, and is not captured from a mobile station.

    Regarding claim 27, the examiner argues that Miya discloses (in Fig. 1, col. 3, lines 58-67, and col. 4, lines 1-3) a base station comprising storing means for storing phase difference information between a long period spreading code of a common control channel of said base station and that of a common control channel of a neighboring base station~ the phase difference information being supplied from a control station of said base station.

    However, Miya mentions, at col. 3, lines 58-67, the first embodiment having a correlation value storage circuit 6 for storing a magnitude of each correlation value which indicates correlation between a spreading code and received signals. The correlation values stored in the correlation value storage circuit 6 are completely different from phase difference information between sentence is also completely different from phase difference information between long codes. Furthermore, the correlation value is calculated by the correlation circuit 3 in the base station, and is not supplied from a control station of said base station.

    Regarding claim 28, the examiner argues that Miya discloses (in Fig. 1, col. 3, lines 58-64, and col. 4, lines 1-3) a control station comprising storing means for storing phase difference information between a long period spreading code of a common control channel of a base station and that of a common control channel of a neighboring base station, the phase difference information being captured from said station it controls.

    However, Miya mentions, at col. 3, lines 58-64, the first embodiment having a correlation value storage circuit 6 for storing a magnitude of each correlation value which indicates correlation between a spreading code and received signals. The correlation values stored in the correlation value storage circuit 6 are completely different from phase difference information between long codes. Furthermore, although the correlation values in the correlation value storage

circuit 6 are calculated by the correlation circuit 3 in the base station, and the correlation values not supplied to a control station from the base station.

Miya mentions, at col. 4, lines 1-3, the first embodiment in which a spreading code selecting circuit 8 selects numbers assigned to spreading codes having a correlation value equal to or less than a predetermined value and then outputs the numbers therefrom. The correlation value in this sentence is also completely different from phase difference information between long codes. Furthermore, the correlation value is calculated by the correlation circuit 3 in the base station, and is not supplied to a control station from the base station.

Regarding claims 26-28, the examiner argues that Asanumi discloses management means for managing the phase difference information stored in said storing means. On the contrary, the phase difference disclosed in Asanumi is a phase difference between a reception phase of the orthogonal code of the uplink channel signal received by the base station and the reference phase generated by the base station. This is completely different from phase difference between long codes used by different base stations.

Even if the techniques in Miya and Asanumi were combined, those skilled in the art could not reach the subject matter in claims 26-28. Thus, rejected claims 21 and 23-39 are significantly different from the cited references, and a combination thereof.

Accordingly, all of the cited rejections should be withdrawn. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 20th day of January, 2009.

Respectfully submitted,

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